

PJR/lsw

3118-133

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IRENE HERNANDEZ, Special	)	
Administrator of the Estate of	)	
IGNACIO G. OCHOA, deceased,	)	
	)	Case No. 07 CV 6542
Plaintiff,	)	
v.	)	Judge Gottschall
	)	
CITY OF OAK FOREST, ILLINOIS and AS	)	
YET UNNAMED DEFENDANTS,	)	
	)	
Defendants.	)	

**CITY OF OAK FOREST'S ANSWER TO PLAINTIFF'S**  
**FIRST AMENDED COMPLAINT**

NOW COMES the defendant, CITY OF OAK FOREST, by its attorneys, LITCHFIELD CAVO, LLP, and in response to plaintiff's first amended complaint states as follows:

**Count I**

1. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 1, and therefore denies same.
2. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 2, and therefore denies same.
3. Defendant admits the allegations contained in Paragraph 3.
4. Defendant admits that the individuals named in Paragraph 4 were police officers employed by the City of Oak Forest. The remaining allegations contained in paragraph 4 are denied.
5. Defendant admits the allegations contained in Paragraph 5.

6. Defendant lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 6, and therefore denies same.

7. Defendant denies the allegations contained in Paragraph 7.

8. Defendant admits that plaintiff requested medical attention. The remaining allegations contained in Paragraph 8 are denied.

9. Defendant denies allegations contained in Paragraph 9.

10. Defendant denies allegations contained in Paragraph 10.

11. Defendant denies the allegations contained in Paragraph 11.

12. Defendant denies the allegations contained in Paragraph 12.

13. Defendant denies allegations contained in Paragraph 13.

14. Defendant denies allegations contained in Paragraph 14.

15. Defendant denies the plaintiff has properly stated the duty that was owed to plaintiff's decedent.

16. Defendant denies allegations contained in Paragraph 16, including subparts a through e, inclusive.

17. Defendant denies the allegations contained in Paragraph 17.

Wherefore, the City of Oak Forest prays for entry of an order granting judgment against the plaintiff, Irene Hernandez, and further prays that the court award fees and costs incurred in the defense of this matter.

### **Count II**

18. Paragraph 18 alleges no material facts or conclusions, and thus no response thereto is made.

19. The defendant repeats its responses to paragraphs 1 through 17 of Count I as its responses to paragraphs 1 through 17 of Count II.

20. Defendant denies the allegations contained in paragraph 20.

**Count III**

21. Inasmuch as the allegations in Count III are not directed against this defendant, no response thereto is made. In the event that the allegations contained in Count III are somehow deemed to apply to the city, the city denies those allegations in their entirety.

**Affirmative Defenses**

Further responding, the City of Oak Forest states as follows:

**First Affirmative Defense**

Plaintiff's claim is barred by 745 ILCS 1014-105 (failure to provide medical care to a prisoner).

LITCHFIELD CAVO, LLP.

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By: /s/ Patrick J. Ruberry  
Attorneys for the defendant,  
City of Oak Forest

**CERTIFICATE OF SERVICE**

I, the undersigned, being first duly sworn upon oath, depose, and say that I caused to be served the foregoing City of Oak Forest's Answer to Plaintiff's First Amended Complaint by electronically filing the same with the Clerk for the U.S. District Court for the Northern District of Illinois, Eastern Division, a copy of which was then forwarded to each attorney of record by CM/ECF on the 15th day of August, 2008.

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